

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated December 10, 2008. Reconsideration and allowance of the application in view of the remarks to follow are respectfully requested.

Claims 1-22 are pending in the Application. Claims 1, 8, 9, 11, 15, 19 and 21 are independent claims.

In the Final Office Action, claims 1-2, 4-9, 11, 13-18, and 20-22 are rejected under 35 U.S.C. §102(e) over U.S. Patent Application Publication No. 2002/0029256 to Zintel ("Zintel"). Claims 3, 10, 12, and 21-22 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,222,530 in view of U.S. Patent No. 5,991,713 to Unger ("Unger").

It is noted that in rejecting claims 3, 10, 12 and 21-22, page 16 of the Final Office Action refers to U.S. Patent No. 6,222,530 as issued to Zintel et, al. However, this patent has been issued to Sequeira and is not of record in the present application. Accordingly, it is presumed that the rejection of claims 3, 10, 12, and 21-22 is based on Zintel in view of Unger.

All remaining claims are amended. Further, claim 22 is amended to be presented in independent form as discussed further below. The claim amendments are made to the claims submitted with the Amendment dated December 21, 2007. It is herewith respectfully requested that the claims submitted with the Amendment dated August 26, 2008 be removed from consideration as these claims have erroneously omitted modifications made to the claims in the Amendment dated December 21, 2007. Accordingly as stated above, it is respectfully requested that this listing of claims replaces all prior versions, and listings, of claims in the application.

By means of the present amendment, the claims are amended including for better conformance to U.S. practice, such as amending dependent claims to begin with "The" as opposed to "A" and changing spelling from British to American spelling, as well as correcting certain informalities noted upon review of the claims. By these amendments, the claims are not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. Applicants furthermore reserve the right to reintroduce subject matter deleted herein at a later time

during the prosecution of this application or continuing applications.

Applicants respectfully traverse the above listed rejections and submit that claims 1-22, as amended, are patentable over Zintel alone and in view of Unger for at least the following reasons.

As stated in its Abstract, Zintel is direct to an XML-based template language where "an entity can learn more about the device and its capabilities by retrieving the device's description." Thus, Zintel is limited to devices discoverable by the UPnP protocol. Zintel assumes that the device's description is available for retrieval. A close study of Zintel did not reveal a description of an aspect called for in the present application, i.e., the discovery of simple devices or, as stated at page 1, lines 15-17 of the specification:

a protocol suitable for embedding in simple devices such as lights, thermostats and CE equipment (remote control for TV's, DVD's and PVR's).

It is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of Zintel. For example, Zintel does not disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis added)

"receiving from the at least one other device a simple device description message of defined length including a device type value representing the type of the at least one other device; if an extended device description is required, sending a query message to the at least one other device requesting an extended device description from the at least one other device; and if the extended device description is available on the at least one other device, receiving from the at least one other device the extended device description of variable length" as recited in claim 1, and as similarly recited in each of claims 8, 9, 11, 15, and 19. Thus, in accordance with claims 1, 8, 9, 11, 15, and 19, both complex and simple devices are managed in a network. The simple devices being incapable of using presently available network protocols but able to transmit "a device type value representing the type of the at least one other device". Unger is introduced for allegedly showing elements of the dependent claims and as such, does nothing to cure the deficiencies in Zintel.

Based on the foregoing, the Applicants respectfully submit that independent claims 1, 8, 9, 11, 15, and 19 are patentable over Zintel and notice to this effect is earnestly solicited. Claims 2-

7, 10, 12-14, 16-18 and 20 respectively depend from one of claims 1, 9, 11 15, 18 and 19 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

Independent claims 21 and 22 are amended to set out a method and a system, respectively, of utilizing a network establishment and management protocol for controlling a plurality of electronic devices that "include at least one device capable of recognizing only a compressed message and providing only a simple value to represent a description of its type." As discussed above Zintel does not teach, disclose, or suggest using a simple value to represent a description of the type of a device. Thus, Zintel does not anticipate the quoted recitations of claims 21 and 22.

Unger is not used to reject claims 21 and 22 and in any event does not remedy the deficiencies of Zintel. In the Office Action, the descriptions of UDP and IGMP protocols and XML is cited as describing protocols and a message format recited in claim 21. This, however, independently or in combination with Zintel, does

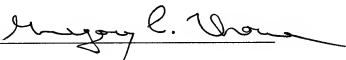
not teach disclose, or suggest the above quoted recitations of amended claims 21 and 22.

Thus, Zintel, Unger, and descriptions of UDP and IGMP protocols, and XML do not render independent claims 21 and 22 obvious.

In addition, Applicants deny any statement, position, or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398  
Attorney for Applicant(s)  
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**THORNE & HALAJIAN, LLP**  
Applied Technology Center  
111 West Main Street  
Bay Shore, NY 11706  
Tel: (631) 665-5139  
Fax: (631) 665-5101